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First name: Eric

Last name: Quaempts

Organization: Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

Title: Intergovernmental Affairs Coordinator

Comments: July 18, 2025

Forest Supervisor Eric Watrud

Umatilla National Forest

72510 Coyote Road

Pendleton, Oregon 97801

Attn: Ellis Integrated Vegetation Project Objection

Dear Eric:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR), in accordance with 36 C.F.R. § 218, Subparts A and B, objects to the draft Record of Decision (ROD) and final Environmental Impact Statement (FEIS) for the Ellis Integrated Vegetation Project (Project). This objection is filed pursuant to issues raised in the CTUIR's letters dated February 15, 2019; October 21, 2020; and April 18, 2022. The responsible official for this project is Douglas C. McKay, Heppner District Ranger, Umatilla National Forest. Our objection is filed pursuant to 36 CFR Part 218 and we respectfully request a meeting for potential resolution of our objections.

On May 29, 2025, the Confederated Tribes of the Umatilla (CTUIR) Department of Natural Resources (DNR) received the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (ROD) for the Ellis Project. DNR staff have reviewed our comments on the Project and have a number of concerns and questions regarding the decision and the consultation that occurred prior to the issuance of the FEIS and ROD. The CTUIR Department of Natural Resources provided scoping comments on this Project dated February 15, 2019, attached. In that letter we "strongly recommend[ed] that the elk security guidelines, as currently written in the [2014 draft] Forest Plan, should be utilized in the planning and implementation for the Ellis Project."

CTUIR DNR Objection to the Ellis Project

Re: Ellis FEIS

July 18, 2025

Page 2 of 4

In our October 21, 2020 letter, attached, on the Project, we noted that the project area has a robust open road network with limited areas greater than a half mile from a road and that "[n]one of the proposed alternatives meet the minimum standards" regarding elk security. Further, we commented that we hadn't received any of the cultural resources work.

In our third letter of April 18, 2022, attached, reviewing the draft EIS, we requested specific changes be made to the DEIS, namely:

1. That the EIS reference the Treaty of 1855;
2. That the EIS include language from the Draft Umatilla National Forest Land Management Plan regarding Tribal Rights and Interests;
3. That the EIS include language from the Forest Service National Resource Guide to American Indian and Alaska Native Relations regarding treaty rights; and
4. That the EIS should reference additional information on the Trust Responsibility from the Forest Service Manual 1560: State, Tribal, County, and Local Agencies.

None of these changes were made, in fact the single reference to the federal Trust Responsibility to Indian tribes was removed. Why were the changes not made?

The language of the FEIS, however, is not our most serious concern regarding the

failure of consultation on the Ellis Project. Our most serious concern is the decision of the Forest Service to choose to eliminate measures to protect elk security habitat which was one of the primary goals of the project from the outset. Further, to disregard CTUIR comments on Alternative 5 (Alternative E in the FEIS), which provided for permanent and seasonal closures to protect elk security habitat and eliminate the alternative without any further discussion with the CTUIR is irresponsibly dismissive and deeply disappointing. Our recommendations warrant a responsive alternative and a written response.

As the Forest Service is aware, Alternative E in the FEIS, the option that CTUIR and other partners contributed to developing, included additional seasonal road closures in order to achieve 30% of the analysis area in elk security habitat. Thirty percent is the minimum area recommended by Hillis et al. 1991, attached. (Elk security habitat is defined as an area of at least 250 acres located >1/2 mile from open road.) The FEIS states that "After further review it was determined that Hillis was misapplied to the Ellis project," and this is one reason Alternative E was not selected as the Preferred CTUIR DNR Objection to the Ellis Project

Re: Ellis FEIS

July 18, 2025

Page 3 of 4

Alternative and eliminated from detailed study. There is no explanation of how Hillis was misapplied and the CTUIR requests an explanation of how Hillis was misapplied. Further, the text that follows the Hillis discussion is similarly opaque. "Additionally, the Umatilla National Forest took a harder look at the Access and Travel Management Plans for the North Fork John Day (1990) and Heppner Districts (1992) and the Minimum Road Density Analysis completed in 2015 containing recommendations and determined road density within the Ellis currently meets desired conditions of the Forest Plan." The CTUIR would like to discuss how the existing conditions meet the road density standard. Table 3-30 on page 110 of the FEIS indicates that the existing conditions for open road density exceed the forest plan standards in 59,012 acres but meet those standards in only 46,490 acres.

In the response to the DEIS comments, the FEIS on page 224 states that Alternative 5 (E in the FEIS) was removed because an element of that Alternative, the Forest Management Direction for Large Diameter Trees in Eastern Oregon Decision Notice, was challenged in court and the Forest Service was unsuccessful in defending the EA. There is no reason that the alternative could not have been modified in consultation with the CTUIR to remove this element while keeping the cooperatively agreed upon standards and targets for elk security.

Finally, in our comments of April 18, 2022 we requested further discussions of how our concerns regarding cultural resources with heritage staff were resolved. Those discussions never took place and the CTUIR still has a number of unanswered questions regarding whether the cultural resources work was complete and the specifics of cultural resource work done related to the alternative chosen. Further, we'd like clarification if the preferred alternative and Alternative 2 are the same. Details of the Project are inconsistent regarding road closures.

The CTUIR DNR would like to meet with the Forest Service to get some explanation of these points. We would like to understand whether the 30% elk security habitat minimum can be achieved for this project under the Preferred Alternative. Further, we'd like to explore the options of seasonal road closures from Alternative E in the Project going forward.

CTUIR DNR Objection to the Ellis Project

Re: Ellis FEIS

July 18, 2025

Page 4 of 4

Since our letter of April 2022, the CTUIR has heard nothing formal from the Forest Service regarding this project except cursory mention of the Project at our annual meetings. The Environmental Analysis says the Forest Service consulted with us at the annual meetings, however, as discussed in our annual meeting on May 27, 2025, bringing up a project at an annual meeting is not sufficient formal consultation regarding that project. The CTUIR may not have raised concerns at that particular meeting, but that does not mean that we don't have concerns, only that we hadn't been provided anything to comment on. As noted, the CTUIR DNR did not receive any response to our April 2022 comments and so the CTUIR DNR staff were surprised the FEIS was issued on May 29, 2025, particularly that our cooperatively developed alternative was removed altogether from detailed study.

The CTUIR DNR expected and expects that if our preferred alternative in the Project is removed from consideration, the Forest Service would extend the courtesy of consultation prior to the issuance of the Final Environmental Impact Statement.

As stated above, the CTUIR requests a meeting to discuss the FEIS as soon as possible to answer the objections and questions posed in this letter. Please have your staff contact Audie Huber at AudieHuber@ctuir.org or 541-429-7228 to schedule a meeting.

Respectfully,

Eric Quaempts, Director

Department of Natural Resources